



## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	State Board of Social Services
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 40-191
<b>Regulation title</b>	Background Checks for Child Welfare Agencies
<b>Action title</b>	Amend regulation to comply with provisions of the Code of Virginia
<b>Final agency action date</b>	April 20, 2005
<b>Document preparation date</b>	March 24, 2005

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This exempt action removes the applicability to religious exempt child day centers of certain provisions because these centers are not licensed, registered, or approved, per provisions in the *Code of Virginia*. The action requires child-placing agencies to consider the results of background checks on a birth parent prior to placing the birth parent's child, who is in a foster care placement, with the birth parent per § 63.2-901.1 of the *Code of Virginia*.

The action also adds prospective foster parents to an already existing provision allowing, but not requiring, approval of adoptive parents convicted of assault or assault and battery under certain conditions, per action of the 2005 General Assembly. It further amends this provision by adding that the conviction may not have involved a minor. This provision's applicability to both prospective foster and adoptive parents is consistent with provisions of House Bill 2744, passed by the 2005 General Assembly, requiring that home study components be the same for foster and adoptive homes per § 63.2-906 of the *Code of Virginia*.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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The State Board of Social Services took final action on 22 VAC 40-191, Background Checks for Child Welfare Agencies, on April 20, 2005.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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The *Code of Virginia* exclusion of religious exempt child day centers from waiver provisions provides additional security for families who place their children in settings that have less oversight. Conversely, not providing for repeat background checks for employees and volunteers in these settings could increase unease of parents about the safety of their children. This action maintains family stability by allowing licensed child-placing agencies to make the final determination if an assault or assault and battery conviction should be cause for denying approval of persons as adoptive or foster parents. Family stability will be enhanced because the background checks of birth parents will be considered prior to licensed child-placing agencies' placement of their children, who have been placed in foster care, with the birth parents.